

# **JOURNAL OF THE SENATE**

## **NINETIETH SESSION**

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THIRTY-FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Monday, March 9, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Sarah Goldhammer, followed by the Pledge of Allegiance led by Senate pages Chelsey Langbehn and Bailey Zerfoss.

Roll Call: All members present except Sen. Heinert who was excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named persons:

2 Pages – Calla Harper, Chelsey Langbehn, Kiera Leddy, Lydia Peterson, Tristan Roy, Bailee  
3 Ward, Bailey Zerfoss.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
8 and Enrolling has carefully compared SB 137 and 168 and finds the same correctly enrolled.

9 Also MR. PRESIDENT:

10 The Committee on Legislative Procedure respectfully reports that SB 25, 26, 27, 58, 82,  
11 86, 110, 124, 153, 177, and 182 were delivered to his Excellency, the Governor, for his approval  
12 at 10:05 a.m., March 9, 2015.

13 Respectfully submitted,  
14 Corey Brown, Chair

15 Also MR. PRESIDENT:

16 The Committee on Appropriations respectfully reports that it has had under consideration  
17 HB 1185, 1186, and 1187 and returns the same with the recommendation that said bills do pass.

18 Also MR. PRESIDENT:

19 The Committee on Appropriations respectfully reports that it has had under consideration  
20 HB 1110 and returns the same with the recommendation that said bill be amended as follows:

21 1110gc

22 On page 1, line 4, of the House engrossed bill, delete "one dollar (\$1)" and insert "two  
23 dollars (\$2)".

24 On page 1, line 6, delete "one dollar (\$1)" and insert "two dollars (\$2)".

25 On page 1, line 7, delete "one dollar (\$1)" and insert "two dollars (\$2)".

26 On page 1, line 11, delete "one dollar (\$1)" and insert "two dollars (\$2)".

1 On page 1, line 13, delete "one dollar (\$1)" and insert "two dollars (\$2)".

2 On page 1, line 14, delete "one dollar (\$1)" and insert "two dollars (\$2)".

3 And that as so amended said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Appropriations respectfully reports that it has had under consideration  
6 HB 1192 and returns the same with the recommendation that said bill be amended as follows:

7 1192mc

8 On page 1, line 4, of the House Appropriations Committee engrossed bill, delete "one  
9 dollar (\$1)" and insert "five hundred thousand dollars (\$500,000)".

10 On page 1, between lines 12 and 13, insert:

11 "Section 3. The funds appropriated in section 1 of this Act shall be for the purpose of  
12 program operations and may not be added to an endowment.".

13 And that as so amended said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on Appropriations respectfully reports that it has had under consideration  
16 HB 1228 and returns the same with the recommendation that said bill be amended as follows:

17 1228ga

18 On page 1, line 4, of the House engrossed bill, after "." insert "The purpose of the  
19 obligation recovery center is to be a central repository for identification, registration, and  
20 oversight of debts owed to any agency or department of the State of South Dakota. The center  
21 shall act to collect the state's debt during the state's account receivable cycle.".

22 On page 1, between lines 5 and 6, insert:

23 "(1) "Account receivable cycle," the period of time, not to exceed one hundred eighty  
24 days, during which the center or any agency, department, or system of the State of  
25 South Dakota may attempt to collect on a debt before the debt is forwarded to a  
26 collection agency or agencies pursuant to section 14 of this Act;".

27 On page 1, line 6, delete "(1)" and insert "(2)".

1 On page 1, line 7, delete "(2)" and insert "(3)".

2 On page 1, line 13, delete "(3)" and insert "(4)".

3 On page 2, line 1, delete (4) "Final" and insert "(5) Bad".

4 On page 2, line 6, delete "(5)" and insert "(6)".

5 On page 2, line 7, delete "(6)" and insert "(7)".

6 On page 2, line 9, delete "final" and insert "bad".

7 On page 2, line 9, after "the center" insert "during the account receivable cycle".

8 On page 2, line 24, delete "final" and insert "bad".

9 On page 3, line 4, delete "final" and insert "bad".

10 On page 3, line 7, delete "final" and insert "bad".

11 On page 3, line 22, after "follows" insert "during the account receivable cycle".

12 On page 3, line 23, delete "final" and insert "bad".

13 On page 6, line 19, delete everything after "collect" and insert "any debt referred to it  
14 within the account receivable cycle, the center shall".

15 On page 6, line 20, delete everything before "forward" .

16 On page 6, line 21, before "." insert "for a period of no less than one year, or as otherwise  
17 stipulated in the contract between the center and the collection agency".

18 On page 6, line 23, after "." insert "The center or a collection agency may retain debt  
19 beyond the account receivable cycle or other applicable collection period if the entity is actively  
20 engaged in substantive collection efforts, or based on other good cause".

21 On page 6, line 23, delete "center" and insert "Bureau of Administration".

22 On page 7, line 1, delete "center" and insert "Bureau of Administration".

23 1228sb

24 On page 7, after line 22 of the House engrossed bill, insert:

25 "Section 17. The obligation recovery center advisory group is established to assist the  
26 Bureau of Administration to implement this Act. The advisory group is attached to the Bureau  
27 of Administration and will meet at the call of the commissioner as often as necessary to furnish  
28 advice, gather information, and make recommendations to the Bureau of Administration

1 regarding management and administration of the obligation recovering center. However, the  
2 advisory group shall meet at least once every quarter. The advice and recommendations include  
3 such things as:

- 4 (1) Planning, developing, and implementing programs;
- 5 (2) Organizing the internal structure of the obligation recovery center;
- 6 (3) Managing personnel;
- 7 (4) Developing, reviewing, and selecting requests for proposals;
- 8 (5) Reviewing activities assigned to the obligation recovery center; or
- 9 (6) Budgeting and expending funds.

10 The advisory group, through the commissioner, will report periodically to the Government  
11 Operations and Audit Committee regarding its progress in implementing this Act.

12 The advisory group consists of six members: two appointed by the Speaker of the House,  
13 two appointed by the President Pro Tempore of the Senate, the commissioner of the Bureau of  
14 Administration, and the commissioner of Budget and Finance. Not all of the members may be  
15 of the same political party. The advisory group will solicit advice and recommendations from  
16 the Unified Judicial System and the Board of Regents regarding the implementation of the  
17 obligation recovery center.

18 This section is repealed June 30, 2017."

19 And that as so amended said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on Appropriations respectfully reports that it has had under consideration  
22 the nomination of Dennis Neugebauer of Minnehaha County, Sioux Falls, South Dakota, to the  
23 South Dakota Building Authority and returns the same with the recommendation that the Senate  
24 advise and consent to the confirmation of said reappointment and that said reappointment shall  
25 be placed on the consent calendar.

26 Also MR. PRESIDENT:

27 The Committee on Appropriations respectfully reports that it has had under consideration  
28 the nomination of Brent E. Dykstra of Stanley County, Fort Pierre, South Dakota, to the SD  
29 Lottery Commission and returns the same with the recommendation that the Senate advise and  
30 consent to the confirmation of said reappointment and that said reappointment shall be placed  
31 on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Appropriations respectfully reports that it has had under consideration  
3 HB 1188 which was tabled.

4 Respectfully submitted,  
5 Deb Peters, Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to inform your honorable body that the House has concurred in Senate  
9 amendments to HB 1080, 1145, and 1201.

10 Also MR. PRESIDENT:

11 I have the honor to return herewith SB 137 which has passed the House without change.

12 Respectfully,  
13 Arlene Kvislen, Chief Clerk

14 **MOTIONS AND RESOLUTIONS**

15 Sen. Greenfield (Brock) moved that the Committee on Education be instructed to deliver  
16 HB 1195 to the floor of the Senate, pursuant to Joint Rule 7-7.

17 Which motion was supported.

18 Sen. Rampelberg moved that the Senate do concur in House amendments to SB 60.

19 The question being on Sen. Rampelberg's motion that the Senate do concur in House  
20 amendments to SB 60.

21 And the roll being called:

22 Yeas 32, Nays 2, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;  
3 Heineman (Phyllis); Holien; Hunhoff (Bernie); Lederman; Monroe; Novstrup (David); Olson;  
4 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;  
5 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Nays:

7 Greenfield (Brock); Jensen (Phil)

8 Excused:

9 Heinert

10 So the motion having received an affirmative vote of a majority of the members-elect, the  
11 President declared the motion carried and the amendments were concurred in.

12 Sen. Tidemann moved that the Senate do not concur in House amendments to SB 120 and  
13 that a committee of three on the part of the Senate be appointed to meet with a like committee  
14 on the part of the House to adjust the differences between the two houses.

15 Which motion prevailed and the President announced as such committee Sens. Tidemann,  
16 Greenfield (Brock), and Peterson (Jim).

17 Sen. Brown moved that the Senate do concur in House amendments to SB 136.

18 The question being on Sen. Brown's motion that the Senate do concur in House  
19 amendments to SB 136.

20 And the roll being called:

21 Yeas 34, Nays 0, Excused 1, Absent 0

22 Yeas:

23 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
24 Haggar (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil);  
25 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
26 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
27 Vehle; White

28 Excused:

29 Heinert

30 So the motion having received an affirmative vote of a majority of the members-elect, the  
31 President declared the motion carried and the amendments were concurred in.

1 Sen. Rave moved that HB 1225, 1190, 1191, and 1147 be placed to follow HB1047 on  
2 today's calendar.

3 Which motion prevailed.

4 Sen. Rave moved that when we adjourn today, we adjourn to convene at 10:00 a.m., on  
5 Tuesday, March 10, the 35<sup>th</sup> legislative day.

6 Which motion prevailed.

### 7 **CONSIDERATION OF REPORT OF COMMITTEE**

8 Sen. Rave moved that the report of the Standing Committee on

9 Appropriations on HB 1219 as found on page 619 of the Senate Journal be adopted.

10 Which motion prevailed.

### 11 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

12 HB 1231: FOR AN ACT ENTITLED, An Act to authorize the forfeiture of any financial  
13 benefit or valuables gained from pimping.

14 Was read the second time.

15 The question being "Shall HB 1231 pass as amended?"

16 And the roll being called:

17 Yeas 33, Nays 1, Excused 1, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
20 Haggard (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil);  
21 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
22 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Van Gerpen; Vehle; White

23 Nays:

24 Tieszen

1       Excused:  
2       Heinert

3       So the bill having received an affirmative vote of a two-thirds majority of the members-  
4       elect, the President declared the bill passed and the title was agreed to.

5       HB 1140: FOR AN ACT ENTITLED, An Act to increase the crimes and lookback period  
6       to enhance the penalty for violating a protection order.

7       Was read the second time.

8       The question being "Shall HB 1140 pass as amended?"

9       And the roll being called:

10       Yeas 34, Nays 0, Excused 1, Absent 0

11       Yeas:  
12       Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
13       Haggar (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil);  
14       Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
15       (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
16       Vehle; White

17       Excused:  
18       Heinert

19       So the bill having received an affirmative vote of a majority of the members-elect, the  
20       President declared the bill passed and the title was agreed to.

21       HB 1015: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the  
22       South Dakota Risk Pool.

23       Was read the second time.

24       The question being "Shall HB 1015 pass as amended?"

25       And the roll being called:

26       Yeas 30, Nays 3, Excused 2, Absent 0

27       Yeas:  
28       Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar  
29       (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Lederman; Novstrup (David);  
30       Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano;  
31       Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Nays:

2 Jensen (Phil); Monroe; Otten (Ernie)

3 Excused:

4 Frerichs; Heinert

5 So the bill having received an affirmative vote of a majority of the members-elect, the  
6 President declared the bill passed and the title was agreed to.

7 HB 1041: FOR AN ACT ENTITLED, An Act to increase certain driver and commercial  
8 driver licensing application fees and to dedicate certain revenue for the purpose of operating the  
9 driver license program.

10 Was read the second time.

11 The question being "Shall HB 1041 pass?"

12 And the roll being called:

13 Yeas 25, Nays 8, Excused 2, Absent 0

14 Yeas:

15 Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Haverly; Heineman (Phyllis); Holien;  
16 Hunhoff (Bernie); Lederman; Monroe; Novstrup (David); Omdahl; Otten (Ernie); Parsley;  
17 Peters; Rampelberg; Rave; Rusch; Soholt; Tidemann; Tieszen; Van Gerpen; Vehle; White

18 Nays:

19 Bradford; Greenfield (Brock); Haggar (Jenna); Jensen (Phil); Olson; Peterson (Jim); Solano;  
20 Sutton

21 Excused:

22 Frerichs; Heinert

23 So the bill having received an affirmative vote of a majority of the members-elect, the  
24 President declared the bill passed and the title was agreed to.

25 HB 1046: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding zero  
26 based budgets, budgeting procedures, and the coordination of federally aided programs.

27 Was read the second time.

28 The question being "Shall HB 1046 pass as amended?"

1 And the roll being called:

2 Yeas 33, Nays 0, Excused 2, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar  
5 (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Lederman;  
6 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
7 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
8 White

9 Excused:

10 Frerichs; Heinert

11 So the bill having received an affirmative vote of a majority of the members-elect, the  
12 President declared the bill passed and the title was agreed to.

13 HJR 1002: A JOINT RESOLUTION, making a formal application to the President of the  
14 United States, that the President grant a presidential pardon to Peter L. Larson.

15 Was read the second time.

16 The question being "Shall HJR 1002 pass?"

17 And the roll being called:

18 Yeas 33, Nays 0, Excused 2, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar  
21 (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Lederman;  
22 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
23 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
24 White

25 Excused:

26 Frerichs; Heinert

27 So the resolution having received an affirmative vote of a majority of the members-elect,  
28 the President declared the resolution passed and the title was agreed to.

29 HB 1215: FOR AN ACT ENTITLED, An Act to provide for an optional enhanced permit  
30 to carry a concealed pistol.

31 Was read the second time.

1 The question being "Shall HB 1215 pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 0, Excused 2, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar  
6 (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Lederman;  
7 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
8 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
9 White

10 Excused:

11 Frerichs; Heinert

12 So the bill having received an affirmative vote of a two-thirds majority of the members-  
13 elect, the President declared the bill passed and the title was agreed to.

14 HB 1020: FOR AN ACT ENTITLED, An Act to revise the mailing fees for noncommercial  
15 vehicle plates and decals.

16 Was read the second time.

17 The question being "Shall HB 1020 pass as amended?"

18 And the roll being called:

19 Yeas 16, Nays 17, Excused 2, Absent 0

20 Yeas:

21 Cammack; Haggar (Jenna); Haverly; Heineman (Phyllis); Holien; Jensen (Phil); Lederman;  
22 Monroe; Novstrup (David); Olson; Omdahl; Rampelberg; Rusch; Solano; Tidemann; White

23 Nays:

24 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Greenfield (Brock); Hunhoff (Bernie); Otten  
25 (Ernie); Parsley; Peters; Peterson (Jim); Rave; Soholt; Sutton; Tieszen; Van Gerpen; Vehle

26 Excused:

27 Frerichs; Heinert

28 So the bill not having received an affirmative vote of a two-thirds majority of the members-  
29 elect, the President declared the bill lost.

1 Sen. Rave moved that HB 1169, 1170, 1171, 1049, 1047, 1225, 1190, 1191, and 1147 be  
2 deferred to Tuesday, March 10, the 35<sup>th</sup> legislative day.

3 Which motion prevailed.

4 **SIGNING OF BILLS**

5 The President publicly read the title to

6 SB 137: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the term  
7 of the Executive Board of the Legislative Research Council.

8 SB 168: FOR AN ACT ENTITLED, An Act to establish a task force to study elder abuse  
9 in South Dakota.

10 HB 1021: FOR AN ACT ENTITLED, An Act to repeal the authorization for the South  
11 Dakota School of Mines and Technology research center project and to authorize the South  
12 Dakota Building Authority to issue bonds to finance a portion of the maintenance and repair of  
13 the South Dakota School of Mines and Technology chemistry/chemical engineering renovation  
14 project.

15 HB 1022: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to  
16 purchase improved property in Spearfish and to make an appropriation therefor.

17 HB 1050: FOR AN ACT ENTITLED, An Act to repeal certain funds, to make revisions  
18 to receipts dedicated to the property tax reduction fund, and to create the general revenue  
19 replacement fund.

20 HB 1128: FOR AN ACT ENTITLED, An Act to protect certain homestead exemption  
21 interests during sale of homestead or separation of owners.

22 HB 1134: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the  
23 expungement of arrest records.

24 HB 1176: FOR AN ACT ENTITLED, An Act to authorize a person to be on the general  
25 election ballot for president or vice president and another office.

26 HB 1194: FOR AN ACT ENTITLED, An Act to set a minimum size for a sign about  
27 zoning changes or conditional use permits.

28 HJR 1005: A JOINT RESOLUTION, Designating Oglala Lakota County as the new name  
29 of Shannon County.

30 And signed the same in the presence of the Senate.

1           Sen. Peters moved that the Senate do now adjourn, which motion prevailed and at  
2   3:36 p.m. the Senate adjourned.

3  
Kay Johnson, Secretary